



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 14, 2023

BY ECF

The Honorable Andrew L. Carter, Jr.
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

USDC SDNY
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Re: *United States v. Terrick Whitaker, 18 Cr. 320 (ALC)*

Dear Judge Carter:

The Government writes with respect to the pending violation of supervised release report, dated February 1, 2023. For the reasons set forth below, the Government requests—with the consent of Probation and defense counsel—that the Court dismiss the specifications in the violation report and continue Mr. Whitaker on supervised release, subject to all previously imposed terms and conditions. Mr. Whitaker's term of supervised release is set to expire on September 17, 2023.

On February 9, 2023, the parties appeared before the Court on the violation report. The Court scheduled another conference for May 9, 2023, and ordered, as an additional condition of supervised release, that Mr. Whitaker not have any contact with the purported victim in this case.

Specifications One through Five of the violation report relate to an alleged assault on September 13, 2022. The Government does not believe that there is sufficient evidence to prove these specifications by a preponderance of the evidence. Specification Six relates to Mr. Whitaker's alleged use of marijuana. Even if Mr. Whitaker did use marijuana, neither Probation nor the Government believes that revocation of his supervised release would be appropriate. Accordingly, the parties ask that the Court dismiss all specifications and continue Mr. Whitaker on supervised release, subject to all previously imposed terms and conditions. If the Court agrees, the parties do not believe that the scheduled conference on May 9, 2023, will be necessary, but will, of course, remain available.

The entire application is **GRANTED**. All of the specifications are **DISMISSED**. Mr. Whitaker shall continue on supervised release, subject to all previously imposed terms and conditions.
So Ordered.

Andrew L. Carter
4/6/23

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

Justin V. Rodriguez

Justin V. Rodriguez
Assistant United States Attorney
Southern District of New York
(212) 637-2591

cc: Counsel of record (by ECF)